

Appln No. 10/815,188
Reply to Office action of January 11, 2005

Amendments to the Drawings:

As requested by the Examiner, replacement sheets for the illustrations of the new variety are attached. These sheets replace the original sheets.

Attachment: Replacement Sheets
 FIGs. 1 & 2

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REMARKS/ARGUMENTS

The Office Action dated January 11, 2005, has been reviewed and the comments carefully considered.

In the Office action, various issues and questions are raised concerning the description of the variety. By the amendments in the accompanying Substitute Specification, Applicant has made a bona fide effort to address all issues and questions.

Applicant has also submitted substitute drawings as requested by the Examiner.

With respect to the request for information under 37 C.F.R. §1.105, Applicant notes that a Canadian PBR application for this variety was filed on March 29, 2004, Application No. 04-4154. A copy of the Canadian PBR Office's Gazette from the website showing this is attached.

In addition, copies of catalogues for sales of this variety have been previously provided with the Information Disclosure Statement, including Flower & Green the newest catalogue 2004, Suntory Flowers Ltd., and the 2004 Suntory collection, Jackson & Perkins Wholesale, Inc. Copies of these are attached below. Applicant notes that the trade name of this variety is 'Summer Splash Patio Light Blue'. This variety has been sold in the United States beginning on April 5, 2003 and in Canada beginning on April 5, 2004. It has not been available in other countries.

Finally, Applicant notes that an Information Disclosure Statement filed on March 31, 2004, has not been acknowledged. A copy of this Information Disclosure Statement is attached. Applicant respectfully requests the Examiner initial and return the PTO Form PTO/SB/08A/B, acknowledging receipt. A Supplemental Information Disclosure Statement filed on August 12, 2004, has been acknowledged but it appears that not all of the references were received by the Examiner. We are submitting a copy of the August 12, 2004 Information Disclosure Statement with the missing documents and respectfully request that the Examining Attorney initial and acknowledge receipt of all references under the heading "Other Documents".

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In view of the foregoing amendment and response, it is believed that the application is in condition for allowance and, accordingly, reconsideration and allowance is earnestly solicited.

If any questions remain regarding the allowability of the application, Applicant would appreciate if the Examiner would advise the undersigned by telephone.

The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

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CAB/tt

Enclosures: IDS's (2) with references
FIGs. 1 & 2
Canadian Gazette Page
Catalogues

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